

NICK J. GARDUNO,)	No. C 02-5806 JSW (PR)
)	
Petitioner,)	
)	
vs.)	ORDER DENYING PLAINTIFF’S
)	MOTION SEEKING
)	APPOINTMENT OF COUNSEL
GAIL LEWIS, Warden,)	
)	
Respondent.)	(Docket no. 51)

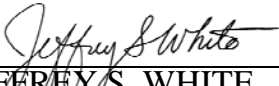
However, the Sixth Amendment’s right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). 18 U.S.C. § 3006A(a)(2)(B) authorizes appointment of counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require and such person is financially unable to obtain representation.” The decision to appoint counsel is within

1 the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.
2 1986), *cert. denied*, 481 U.S. 1023 (1987); *Knaubert*, 791 F.2d at 728.

3 Here, no evidentiary hearing appears necessary at this time. The Court concludes
4 that the interests of justice do not require appointment of counsel at this time.
5 Accordingly, Petitioner's motion for appointment of counsel (docket no. 51) is DENIED
6 without prejudice.

7 IT IS SO ORDERED.

8 DATED: May 3, 2007

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10 JEFFREY S. WHITE
11 United States District Judge
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